



# COUNTY OF LOS ANGELES

## CONTRACT CITIES LIABILITY TRUST FUND CLAIMS BOARD

500 WEST TEMPLE STREET  
LOS ANGELES, CALIFORNIA 90012

### MEMBERS OF THE BOARD

May 7, 2003

Curtis Morris  
City Council Member  
Dennis Courtemarche  
City Manager  
Jesse Duff  
City Manager  
Margaret Finlay  
City Council Member  
Jerome Groomes  
City Manager  
John McTaggart  
City Council Member  
Sam Olivito,  
California Contract  
Cities Association

Honorable Board of Supervisors  
383 Kenneth Hahn Hall of Administration  
500 West Temple Street  
Los Angeles, California 90012

Re: **Jose Lopez and Guadalupe Lopez v. County of Los Angeles**  
**Redondo Beach Superior Court Case No. YC 043 944**

Dear Supervisors:

The Contract Cities Liability Trust Fund Claims Board recommends that:

1. The Board authorize settlement of the above-entitled action in the amount of \$575,000.00.
2. The Auditor-Controller be directed to draw a warrant to implement this settlement from the Sheriff's Department Liability Trust Fund -Lawndale.

Enclosed is the settlement request and a summary of the facts of the case.

Also enclosed, for your information, is the Corrective Action Report submitted by the Sheriff's Department.

Return the executed, adopted copy to Frances Lunetta, Suite 648 Kenneth Hahn Hall of Administration, (213) 974-1754.

Very truly yours,

Curtis Morris, Chair  
Los Angeles County Contract Cities  
Liability Trust Fund Claims Board

CM/fsl

Enclosures

# MEMORANDUM

April 28, 2003

TO: THE COUNTY OF LOS ANGELES CONTRACT CITIES  
LIABILITY TRUST FUND CLAIMS BOARD

FROM: MATTHEW J. SAUNDERS  
Nishimura and Saunders

ROGER H. GRANBO  
Principal Deputy County Counsel  
General Litigation Division

RE: Jose Lopez and Guadalupe Lopez v. County of Los Angeles  
Redondo Beach Superior Court Case No. YC 043944

DATE OF  
INCIDENT: March 24, 2002

AUTHORITY  
REQUESTED: \$ 575,000

COUNTY  
DEPARTMENT: Sheriff's Department - City of Lawndale - Contract Cities Trust Fund

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## CLAIMS BOARD ACTION:

☐

Approve

☐

Disapprove

☒

Recommend to Board of  
Supervisors for Approval

  
MARGARET FINLAY

City Council Member

  
JOHN MC TAGGART

City Council Member

  
CURTIS MORRIS

City Council Member

  
DENNIS COURTEMARCHE

City Manager

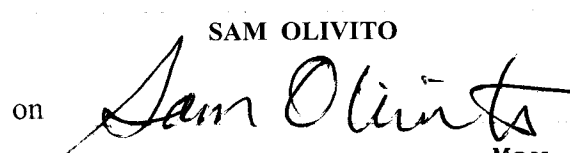
  
JEROME GROOMES

City Manager

  
JESSE DUFF

City Manager

California Contract Cities Association

SAM OLIVITO  


on , 2003

May 7, 2003

## **SUMMARY**

This is a recommendation to settle for \$575,000, a lawsuit filed by Jose and Guadalupe Lopez. Jose Lopez was injured while he was crossing the street when he was struck by a car being driven by a Sheriff's Deputy. Guadalupe Lopez is claiming loss of consortium.

## **LEGAL PRINCIPLES**

A public entity is responsible for the negligent and intentional acts of its employees when the acts are done in the course and scope of employment.

## **SUMMARY OF FACTS**

On March 24, 2002 at approximately 10:40 a.m., Jose Lopez, age 71, was crossing the street at the intersection of Manhattan Beach Boulevard and Prairie Avenue in the City of Lawndale. An on-duty Sheriff's Deputy in a marked patrol car made a left turn onto Manhattan Beach Boulevard and struck Jose Lopez while he was in the crosswalk.

The Sheriff's Deputy claims that he made his left turn after the arrow turned green, but could not stop in time to avoid colliding with Jose Lopez who was crossing Manhattan Beach Boulevard in the crosswalk. Jose Lopez contends that he was crossing the street with a green light when he was struck.

As a result of the incident, Jose Lopez sustained fractures of the clavicle, left tibia, left fibula, and left hip. The left hip fracture required an open reduction, internal fixation surgical procedure to repair. Jose Lopez was transported from the scene in an ambulance to Gardena Memorial Hospital. Jose Lopez's wife, Guadalupe Lopez, age 66, is claiming damages for loss of consortium.

## **DAMAGES**

Should this matter proceed to trial, we estimate the potential damages could be as follows:

Jose Lopez's medical expenses	\$ 40,000
Jose Lopez's future medical expenses	\$ 60,000
Jose Lopez pain and suffering	\$ 500,000
Guadalupe Lopez's loss of consortium	<u>\$ 250,000</u>
Total	<u>\$ 850,000</u>

The proposed settlement calls for the County to pay Jose and Guadalupe Lopez \$575,000 for all claims for damages, costs, and attorney's fees.

## STATUS OF CASE

The trial court proceedings have been suspended pending consideration of the proposed settlement.

Expenses incurred by the County in defense of this action are attorney's fees of \$27,499 and \$8,522 in costs.

## EVALUATION

The facts of the case are in dispute. The Sheriff's Deputy contends that he made his turn after the arrow turned green. Jose Lopez contends that he was crossing the street with a green light. We believe the evidence would show that the Sheriff's Deputy did have a green arrow, but Jose Lopez had not yet cleared the intersection. It is undisputed that Jose Lopez was in the crosswalk and the Sheriff's Deputy failed to avoid the collision.

A reasonable settlement at this time will avoid further litigation costs and a jury verdict that could exceed the proposed settlement.

We join with our private counsel, Nishimura and Saunders, and our third party administrator, Carl Warren and Company, in recommending a settlement of this matter in the amount of \$575,000. The Sheriff's Department concurs in the recommendation.

APPROVED:



GARY N. MILLER

Acting Assistant County Counsel

RHG:scr

# Los Angeles County Sheriff's Department

## CORRECTIVE ACTION PLAN

**LAWSUIT OF:** Jose Delcarmen Lopez, et al. v. COLA - Superior Court  
Case #YC 043944

**SETTLEMENT:** \$575,000

**INCIDENT DATE:** March 24, 2002 10:40 AM

**INCIDENT LOCATION:** Westbound Manhattan Beach Boulevard @ Prairie Avenue,  
Lawndale

**RISK ISSUES:** A public entity is responsible for the negligent and wrongful acts of employees when the acts are committed in the course and scope of his or her duties. Although some of the facts in this case are in dispute, it is undisputed that Mr. Lopez was in the crosswalk at the time of the collision, and that he was struck by an on duty deputy driving a marked patrol vehicle. This is a case of comparative liability.

**INVESTIGATIVE REVIEW:** On March 24, 2002 at approximately 1100 hours, a deputy left the parking lot at the south east corner of Manhattan Beach Boulevard and Prairie Avenue driving his marked patrol vehicle, followed by another deputy also driving a marked patrol vehicle. After they pulled out of the parking lot, they began routine, non-emergent patrol driving northbound on Prairie Avenue toward Manhattan Beach Boulevard. Prior to reaching the intersection, they drove into the left turn pocket for westbound Manhattan Beach Boulevard, and stopped at the red arrow light. When the arrow turned green, they proceeded through the intersection, making a left turn onto Manhattan Beach Boulevard. As the first deputy drove through the crosswalk on the west side of the intersection approximately 20 feet south of the north curb line, he struck Plaintiff Jose Lopez, age 71, walking southbound on Prairie Avenue. The deputy immediately summoned medical aid for the pedestrian.

As a result of this incident, Mr. Lopez sustained serious injuries including fractures of the clavicle, left tibia and fibula and left hip. The left hip fracture required an open reduction, internal fixation surgical procedure to repair. He remained hospitalized for approximately one week, and was subsequently transferred to a facility where he received supervised convalescent care for one month. His medical expenses are estimated to be approximately \$40,000 plus potential future medical bills of \$10,000 to \$12,000 annually. Mrs. Lopez, age 66, is claiming damages for loss of consortium; additionally, she has stopped working since the incident to care for her husband.

**POLICY ISSUES:** Manual of Policy and Procedures Section 3-01/090.10 dictates that deputies shall observe all traffic laws, always employ defensive driving techniques, and not operate vehicles in an unsafe or negligent manner.

APPROVED:

*R. Doyle Campbell*

**CORRECTIVE ACTION:** A traffic accident investigation of this incident by the Sheriff's Department found that the accident occurred because the deputy made an unsafe left turn which was exacerbated by the inattention of both the pedestrian and the deputy. Subsequent to an administrative review, appropriate disciplinary action was administered to the deputy.